

ALB:JLG

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

NERI Y. BARAHONA,
Defendant.

AFFIDAVIT AND
COMPLAINT IN SUPPORT
OF AN APPLICATION FOR
AN ARREST WARRANT

(8 U.S.C. § 1326(a) and 1326(b)(2))

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EASTERN DISTRICT OF NEW YORK, SS:

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ANDREW STEINBORN, being duly sworn, deposes and states that he is a Deportation Officer with the United States Immigration and Customs Enforcement, duly appointed according to law and acting as such.

On or about February 12, 2019, within the Eastern District of New York and elsewhere, the defendant NERI Y. BARAHONA, an alien who had previously been removed from the United States after a conviction for the commission of an aggravated felony, was found in the United States, without the Secretary of the United States Department of Homeland Security and the United States Attorney General having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Sections 1326(a) and 1326(b)(2))

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The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Deportation Officer with the United States Immigration and Customs Enforcement ("ICE") and have been involved in the investigation of numerous cases involving the illegal reentry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record and his Immigration file; and from reports of other law enforcement officers involved in the investigation.

2. The defendant, NERI Y. BARAHONA, is a citizen and national of El Salvador.

3. On or about May 12, 2005, BARAHONA was convicted in Suffolk County Court, New York, of sexual abuse in the first degree, a class D felony, in violation of New York Penal Law § 130.65(03). The defendant was sentenced on or about May 26, 2005 to a term of 6 months' imprisonment, and 10 years' probation. This conviction is a felony conviction under New York law, and is an "aggravated felony" pursuant to 8 U.S.C. § 1101(a)(43).

4. On or about July 29, 2005, the defendant was removed from the United States to El Salvador.

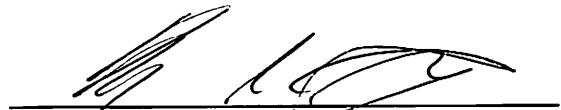
5. On or about February 12, 2019, the defendant was arrested in Brentwood, Suffolk County, New York. Subsequent to his arrest, the defendant confirmed

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

his identity to law enforcement by providing, among other pedigree information, his full name, date of birth, place of birth, and the fact of his 2005 removal from the United States, discussed above in paragraph 4. Officers have also confirmed the defendant's identity by comparing him to the photographs and descriptors found in law enforcement databases in connection with his previous arrests and removal.

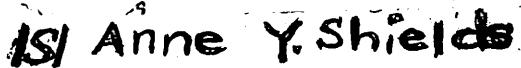
6. A search of immigration records has revealed that there exists no request by the defendant for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to reenter the United States.

WHEREFORE, your deponent respectfully requests that the defendant NERI Y. BARAHONA be dealt with according to law.



ANDREW STEINBORN
Deportation Officer, United States Immigration
and Customs Enforcement

Sworn to before me this
19th day of February, 2019



AS/ Anne Y. Shields

THE HONORABLE ANNE Y. SHIELDS
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

